

COUNTY OF HENDERSON

AFFIDAVIT OF ODA BRICE KELLEY

I, Oda Brice Kelley, state as follows:

1.

My name is Oda Brice (O.B.) Kelley. I am over 18 years of age and under no legal disability. The facts stated in this Affidavit are true and correct and are based upon my personal knowledge. I submit this Affidavit in support of the Motion for Summary Judgment filed by Window Covering Manufacturers Association ("WCMA") and Window Covering Safety Council ("WCSC").

2.

I was employed by Hunter Douglas Window Coverings, Inc. ("Hunter Douglas") from 1984 to 1990 and 1992 to 1999. My title at retirement was Vice President of Sales for Independent Fabricators, and my responsibilities included involvement with Hunter Douglas' efforts to promote window blind safety.

3.

Hunter Douglas is a founding member of both WCMA and WCSC, and has been involved in the governing and operations of both entities throughout their history. I personally have attended meetings of both organizations.

4.

Beginning in the mid-1980s, companies in the window blind industry, including Hunter Douglas, first learned of reports of strangulations involving window blind cords. Jointly with the

United States Consumer Product Safety Commission ("CPSC"), WCMA (then called the American Window Covering Manufacturing Association) issued safety alerts to publicize this risk to consumers. Soon after, Hunter Douglas also began warning its own customers about the risks of strangulation in window blind cords – an effort that continues to this day.

5.

In 1994, members of the window blind industry, including Hunter Douglas, formed the WCSC for the purpose of working with CPSC to conduct a nationwide public education and information effort concerning the risk of strangulation on window blind cords, which included the provision of free retrofit kits to reduce the likelihood of strangulation on window blind cords. This campaign consisted of coordinated and complementary efforts by CPSC, WCSC, and individual companies such as Hunter Douglas. Indeed, to comply with the corrective action plan approved by CPSC, individual companies were required to maintain their own safety efforts. WCMA had and continues to have no active role in this campaign.

6.

While WCSC and CPSC worked to inform consumers of risks associated with window blinds, Hunter Douglas and other companies continued their own, individual efforts. For Hunter Douglas, these efforts included providing warnings on products and sales materials, providing signage and pamphlets on window blind safety for retailers to make available to Hunter Douglas customers, participating in promotional events such as Window Covering Safety Month with its own publications and promotions, and issuing press releases to the media regarding cord safety.

7.

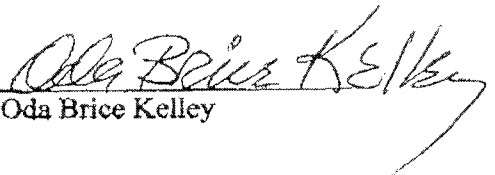
Hunter Douglas also alerted its own customers of the need to retrofit existing products to incorporate safety features. Hunter Douglas provided retrofit kits directly to its customers and/or

directed requests for retrofit kits to WCSC for fulfillment, which directed its retrofit campaign to the public at large.

8.

While Hunter Douglas engaged in many safety efforts in cooperation and conjunction with WCSC and CPSC, and provided support for those organizations' campaign, it never ceased its own efforts to warn consumers about the risks associated with window blinds or to promote window blind cord safety to the public.

FURTHER AFFIANT SAYETH NOT.


Oda Brice Kelley

Subscribed and sworn to me
on this 30 day of September, 2011.


Notary Public

My commission expires on

October 23, 2012

